

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Israel Valdivia-Ramirez,

Civil No. 05-1668 (DWF/AJB)

Petitioner,

v.

ORDER

United States of America,

Respondent.

Israel Valdivia-Ramirez, *Pro Se*, Plaintiff.

James E. Lackner, Assistant United States Attorney, United States Attorney's Office, counsel for Defendant.

This matter is before the Court upon Petitioner's objections to Magistrate Judge Arthur J. Boylan's Report and Recommendation dated August 8, 2005, recommending that Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241 be dismissed for lack of jurisdiction.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c).

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Petitioner's objections (Doc. No. 3) to Magistrate Judge Arthur J. Boylan's Report and Recommendation dated August 8, 2005, are **DENIED**.

2. Magistrate Judge Arthur J. Boylan's Report and Recommendation dated August 8, 2005 (Doc. No. 2) is **ADOPTED**.

3. Petitioner Israel Valdivia-Ramirez's application for habeas corpus relief under 28 U.S.C. § 2241 (Doc. No. 1) is **DISMISSED** for lack of jurisdiction.

Dated: August 26, 2005

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court